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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,868	01/13/2004	Joseph P. Odenwalder	PA298B2A3DI	3404
23696	7590	09/19/2007	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			TSE, YOUNG TOI	
		ART UNIT	PAPER NUMBER	
		2611		
		NOTIFICATION DATE		DELIVERY MODE
		09/19/2007		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
kascanla@qualcomm.com  
nanm@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/756,868	ODENWALDER, JOSEPH P.
	<b>Examiner</b>	<b>Art Unit</b>
	YOUNG T. TSE	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 05 July 2007 and 17 April 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,3-18 and 20-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,3-18 and 20-34 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date \_\_\_\_\_

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments, see page 12, filed on April 17, 2007, with respect to 35 U.S.C. 102(a) have been fully considered and are persuasive. The rejection of claims 1, 10-12, 16, 18, 27-29 and 33 has been withdrawn.
2. Applicant's arguments filed April 17, 2007 have been fully considered but they are not persuasive.

Regarding claims 1-34 rejected under 35 U.S.C. §112, first paragraph, Applicant argues that the claims have amended to overcome this rejection and respectfully submits that the claimed invention is now clearly described in the specification, for example, from page 7, paragraph [0031], to page 15, paragraph [0047]. The invention is illustrated, for example, in FIG. 4.

The amendments of claims 1, 3-7, 9-14, 17-18, 20-23, 27-31 and 34 do not overcome the rejection under 35 U.S.C. §112, first paragraph and correspond to the disclosure of Figure 4 as described in the specification in such a way as to reasonably convey to one skilled in the relevant art of the invention, at the time of the application was filed, had possession of the claimed invention. Applicant also fails to address the issues in each of the claims raised by the examiner in the previous Office action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3-18 and 20-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims 1, 3-18 and 20-34 contain new matters which was not described in the original specification, the original disclosure of the drawings, and the original claims in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For example, the amended claim 18 recites an apparatus shown in Fig. 2 for generating data for transmission from a subscriber unit (100) to a base station (120), the apparatus comprising: a plurality of modulators (150b to 150d) shown in Fig. 4 of the modulator (104) of Fig. 2 configured to modulate each of a plurality of channel encoded data from the encoders (102 and 103) with an associated code ( $W_2$  or  $W_3$ ) to produce a plurality of streams of modulated symbols; a combiner (160), communicatively coupled to said plurality of modulators, configured to combine the plurality of streams of modulated symbols into two combined streams to reduce a peak-to-average ratio of the

transmission; and a complex multiplier (164a to 164d and 166a to 166b), communicatively coupled to said combiner, configured to complex multiply said two combined streams with a complex pseudonoise code ( $PN_I$  or  $PN_Q$ ). Wherein the plurality of modulators comprises a first modulator configured to modulate a pilot channel encoded data with a first code to produce a first stream of modulated symbols. However, as shown in Fig. 4, there is no modulator used to modulate a pilot channel encoded data with a first code to produce a first stream of modulated symbols since the pilot signal is directly input to the  $A_0$  gain adjuster 152 and is an uncoded signal. Further, the specification fails to explain that the combiner 160 is used to reduce a peak-to-average ratio of the transmission as now claimed.

Regarding claim 20, the combiner 160 does not include two adders to perform the functions as claimed. Also see claims 22, 24 and 26.

Regarding claim 23, a fourth modulator (150a) is not used to modulate a control channel encoded data with a fourth code ( $W_1$ ) to produce a fourth stream of modulated symbols since the power control signal (PC) is an uncoded signal. Also see claim 25.

Regarding claim 34, it is unclear which gain adjuster is considered the gain adjuster and which gain adjusters are considered the second plurality of adjusters configured to adjust gains of each of the remaining streams to values determined relative to the gain of the first stream as shown in Fig. 4. The specification also fails to explain the operation of the gain adjusters performed the claim subject matters as now claimed.

Also see the method claims 1 and 3-17 which have similar subject matters as recited in the apparatus claims 18 and 20-34 for the same reasons described above.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 29, lines 3 and 5, the term "the combined streams" lacks antecedent basis since claim 18 amended the term "two combined streams" to "a combined stream". Wherein the dependent claim 30 depends on claim 29.

### **Conclusion**

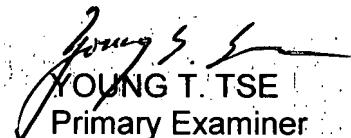
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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